

OFFICE OF THE TOWN CLERK

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ARTICLE 6 BYLAW AMENDMENT/UPDATING HUMAN RIGHTS COMMISSION BYLAW

VOTED: YES – 234, NO – 7

That Title II, Article 9 of the Town Bylaws (“Human Rights Commission”) be and hereby is amended for the purposes of updating the substance and language of its mission, definitions, organization, policy and processes as follows:

FIRST, that Section 1 (“Preamble”) be stricken in its entirety and replaced with a simplified statement reflecting the origins of the Commission so to read as follows:

Section 1. Preamble

~~*The Town of Arlington has formed Vision 2020, a long range planning vehicle; and Vision 2020 has established the Diversity Task Group; and the goal statement of the Diversity Task Group provides:*~~

~~*"We value the diversity of our population. Our Town's mix of race, color, race, ethnic, religious` and cultural backgrounds, as well as economic and personal circumstances, enriches us all. We will be known for the warm welcome and respect we extend to all;"*~~

~~*One of the Diversity Task Group's recommendations is the formation of a Human Rights Commission;*~~

~~*The Vision 2020 Standing Committee, the Fair Housing Advisory Committee, the Affirmative Action Advisory Committee, and others support the creation of such a Commission to foster the policies described in Section 2 below;*~~

~~*The Town of Arlington does hereby create a Human Rights Commission as provided for in this Bylaw.*~~

Growing out of the original Vision 2020 effort and the Diversity Task Group's vision, the Town of Arlington created a Human Rights Commission as provided for in this Bylaw.

SECOND, that Section 2 (“Policy of the Town of Arlington”) be amended to update and clarify terms by substituting the words “equal” with “equitable” throughout, clarifying the bylaw applies to all persons in Arlington, and making further administrative changes so as to read as follows:

Section 2. Policy of the Town of Arlington

A. It is the intention of the Town of Arlington ("Town") to establish a Commission to advance issues related to the fair and equal-equitable treatment of individuals, and to create a mechanism for addressing complaints arising out of these issues.

B. It is the policy of the Town to protect every individual in the enjoyment and exercise of their human and civil rights and to encourage and bring about mutual understanding and respect among all people who live, work, visit, and travel within the Town.

C. It is the intention of this Bylaw that all persons be treated fairly and equally. The purpose of this Bylaw is to bring about the elimination of prejudice, intolerance, bigotry, bias, unlawful discrimination, threats, coercion or intimidation based upon an individual's race, color religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military or veteran status., and the disorder occasioned thereby. ~~Nothing in this Bylaw shall be construed as supporting or advocating any particular religious or political view or lifestyle.~~

D. It shall be considered an unlawful practice under this Bylaw for any person to withhold, deny, interfere with, threaten or subject an individual to coercion or intimidation concerning equal-equitable access to and/or discrimination in employment, housing, education, recreation, services, public access and accommodation and public areas where such denial, interference, threats, coercion, intimidation or unlawful discrimination against a person is based upon race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, ~~or~~ military or veteran status.

THIRD, that Section 3 ("Establishment of a Human Rights Commission") be amended to clarify the Commission's ability to self-initiate programs and investigations of incidents, add diversifying Town staff to its goals, and making further administrative changes so as to read as follows:

Section 3. Establishment of a Human Rights Commission

A. Scope: There is hereby established a Town board to be known as the Arlington Human Rights Commission ("Commission") which may implement the policy of this Bylaw by:

- 1. Improving the life of the Town by developing on its own and enlisting community based groups in educational programs and campaigns to increase mutual respect, harmonious intergroup relations and the peaceful enjoyment of life in our community by all;***
- 2. Working with Town Government, the School Department, Town Commissions and Boards to increase diversity in the Town and among those employed by the Town, as well as awareness and sensitivity to those human and civil rights issues which may arise within our Town ~~while Town employees fulfill the duties of their positions~~;***

3. *Responding to incidents and complaints by persons in the Town who believe that their human or civil rights, as defined in this Bylaw or in state or federal law, have been violated in the Town;*
4. *Initiating investigations into circumstances which appear to the Commission to be the result of unlawful discrimination against any person(s) in the Town.*

B. Appointment & Terms of Office of Commission Members

1. *The Commission shall consist of thirteen (13) members, five of whom will be appointed by the sSchool eCommittee, four by the Town Manager subject to the approval of the Select Board and four by the Town Moderator. The term of office shall be for three years. ~~except two of the initial appointments of the school committee shall be for a term of one year, one of the initial appointments of the Manager and Moderator respectively shall be for one year, two of the initial appointments of the School Committee shall be for two years, one of the appointments of the Manager and Moderator respectively shall be for two years.~~*

The members shall be sworn to the faithful performance of their duties, and shall serve until their successors are appointed and sworn. There may be an Executive Director, who may also be known as the Diversity, Equity and Inclusion Director, if determined necessary by the Commission, appointed by the Town Manager with consultation by the Commission.

2. *The Commission shall include among its membership individuals publicly solicited by the appointing authorities ~~and be~~ and representative of the diversity of the Town.*
3. *If a member shall fail to attend three or more consecutive meetings of the eCommission, the eCommission by vote, may so advise the appropriate appointing authority, who may remove such member, and appoint a successor for the unexpired term of the member so removed.*

C. Residency Requirement: *All members of the Commission shall be residents of the Town at the time of their appointment and throughout their tenure. A Commissioner who is no longer a resident of the Town shall promptly notify the Chair(s) of the Commission who shall then notify the appointing authority.*

D. Executive Director: *Before appointing an Executive Director, the Town Manager shall consider the recommendation of the Commission. The Executive Director shall be an employee of the Town and report to the Town Manager. The prospective Executive Director shall have demonstrable experience in human and civil rights, as well as proven ability to work cooperatively in a diverse community.*

~~At the request~~ Subject to the direction of the Commission, the Executive Director shall be responsible for support the overall administration of the Commission's activities ~~and shall serve as its executive officer.~~ The Executive Director shall have the power and duty to initiate

activities designed to educate and inform the Town about the effects of prejudice, bias, intolerance, and bigotry; to receive and/or initiate complaints and investigations of discriminatory practices as defined by local, state, and federal law; to report their findings to the Commission; and to attempt mediation of any complaint alleging discrimination under applicable local, state, and federal law when there is cause for such complaint.

E. Officers, Quorum, and Adoption of Rules and Regulations

- 1. The Commission shall elect a Chairperson or two from among its members at the first meeting each year in January. The Commission shall endeavor to rotate the election of a Chairperson(s) each year thereafter. The Chairperson(s) shall preside over the meetings of the Commission.*
- 2. Seven (7) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by a majority vote of the Commission members present and voting.*
- 3. The Commission shall adopt rules and regulations consistent with this Bylaw and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Bylaw and the powers and duties of the Commission in connection therewith. The rules shall ensure the due process rights [as defined by state law] of all persons involved in investigations and hearings.*
- 4. Members of the Commission shall serve without compensation.*
- 5. Members of the Commission may be removed by the appointing authority for just cause [after notice and opportunity to be heard].*

FOURTH, amending Section 4 (“Definitions”) to amend the term “military status” in subpart “G” to add the words “or veteran” between “military” and “status,” and further to add new definitions for “incident” and “complaint” as subparts “H” and “I” so as to read in relevant parts as follows:

G. The term "military or veteran status" refers to the actual or supposed condition being, not being, having been or not having been in the service of the military.

H. The term “incident” refers to as an occurrence within the Town which the reporter alleges is motivated, in whole or in part, by prejudice, bias, intolerance, and/or with the intent to threaten, harm, coerce, or intimidate. Incidents may include, but are not limited to: removal or stealing of items promoting diversity, equity and inclusion; the placement of signs or graffiti promoting prejudice, intolerance or bigotry; biased statements or slurs; acts with animus to a protected class.

I. The term “complaint” refers to a formal written report filed with the Commission in which the complainant seeks a formal investigation of allegation(s) over which the Commission may exercise jurisdiction.

FIFTH, that Section 5 (“Functions, Powers, & Duties of the Commission) be amended to include updated definitions and terms consistent with the foregoing, clarify the Commission’s duties and ability to engage in proactive incident responses (as well as

complaints), further clarify the informal nature of Commission mediations, and remove references to the administration of oaths in testimony, so as to read as follows:

Section 5. Functions, Powers & Duties of the Commission

The function of the Commission shall be to implement the policy of this Bylaw by the exercise of the following powers and duties:

A. To initiate activities designed to educate and inform the Town about the effects of prejudice, bias, intolerance, and bigotry through the following actions:

- 1. To hold public hearings and public forums, make studies and surveys and to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, ~~or military~~ or veteran status.*
- 2. Develop and/or recommend courses of instruction for presentation in public and private schools, public libraries and other suitable places, devoted to identifying, educating, eliminating prejudice, bias, intolerance, bigotry and discrimination and showing the need for mutual respect and fair and equitable treatment in the Town ~~and the achievement of harmonious relations among various groups in the Town.~~*
- 3. Create such subcommittees from the members of the Commission as, in the Commission's judgment, will best aid in effectuating the policy ~~and goals~~ of this Bylaw.*
- 4. Enter into cooperative working agreements with federal, state and town agencies, and enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations and other groups in order to effectuate the policy and goals of this Bylaw.*
- 5. Monitor, publicize and, where necessary, act to increase the diversity on appointed Town boards and committees.*
- 6. Render each year to the Select Board, Town Manager, School Committee and Superintendent of Schools a full written report of all the Commission's activities and recommendations regarding this Bylaw for inclusion the Town Report.*

B. To receive and investigate incidents and complaints of and to initiate its own complaints and/or investigations of any incidents as that term is defined and other violations of this Bylaw.

C. To attempt by informal mediation to resolve any complaint over which it has jurisdiction and to recommend to the Town Manager, the Select Board, the Superintendent of Schools or the School Committee, as appropriate, such action as it feels will resolve any such complaint.

D. In the case of any unresolved complaint or in the case of any investigation which would be aided thereby, to hold hearings, ~~administer oaths, take the testimony of any person under oath and,~~ in connection therewith, to require production of any evidence relating to any matter in question or under investigation before the Commission.

SIXTH, that Section 6(D) (“Relations with Town Agencies”) be amended in relevant part to emphasize that Commission members are entitled to representation and indemnification for claims arising from the discharge of their duties:

Section 6. Relations with Town Agencies

D. The Town Counsel shall provide for representation of the Commission or a Commissioner upon the Commission's request. For liability issues, Commissioners shall be considered as Town employees and not liable personally for actions undertaken in their role of Commissioner.

SEVENTH, that Section 7. (“Complaint Resolution Procedures”) parts D and E be amended in relevant parts to add “report of an incident” as a prompt for an investigation, strike the term “Executive Director” throughout, provide for “co-chairs” of the Commission, and add the term “informal” before “mediation” where such term appears, so to read as follows:

D. After the report of an incident or the filing of any complaint, the Chairperson the chairs or co-chairs of the Commission shall designate ~~the Executive Director or one or more of the Commissioners~~ to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

E. After such investigation, ~~the Executive Director or the~~ designated Commissioner(s), as the case may be, shall promptly file a report of such findings with the Commission, which shall determine whether ~~or not whether~~ to dismiss the complaint. The Commission shall, within ten working days from such determination, notify the complainant in writing of such determination...

The Commission and its staff shall not disclose the terms of informal mediation when the complaint has been disposed of in this manner pursuant to G.L. c.233 Section 23C unless both parties agree to the disclosure. The Commission may issue orders consistent with its findings during the mediation process...

- 2. In the case of such a finding under Section VII.E.1., as part of the informal mediation process the Commission may issue an informal admonition to the respondent. Such a finding shall not be published or made public, pursuant to G.L. c.233 Section 23C.*

AND, EIGHTH, that Section 8 (“Contributions to the Commission”) be amended to explicitly authorize the Commission to apply for grants and to add the words “and goals” as set forth below to as to read as follows:

Section 8. Contributions to the Commission

The Commission may apply for and accept contributions, grants, and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the policy and goals of this Bylaw.

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ARTICLE 7 BYLAW AMENDMENT/YOUTH AND YOUNG ADULT ADVISORY BOARD

VOTED: YES – 241, NO – 3

That Title II of the Town Bylaws (“Committees and Commission”) be and hereby is amended to add a new “Article 15 ‘The Young Arlington Collaborative’” as follows:

Article 15. The Young Arlington Collaborative

Section 1. Establishment and Purpose of the Young Arlington Collaborative

- A.** The Young Arlington Collaborative shall strive to engage with all of the youth and young adults that reside, attend school, or work in Arlington with the purpose of increasing their awareness of their local government and their participation in all aspects of it. The Young Arlington Collaborative shall also act as a conduit of issues and concerns of the youth and young adult population to Town Meeting, the Select Board, the School Committee, and the Town Manager.
- B.** The Young Arlington Collaborative shall be composed of a “Standing Committee” which shall serve as the coordinating and policy-making body and any number of working groups which will work with and report to the Standing Committee. The working groups, as well as any necessary ad hoc committees, may be established and disbanded by a vote of the majority of the Standing Committee members (or as consistent with Section 2 of this bylaw).

Section 2. Standing Committee Membership, Quorum, Administration & Organization

- A.** The Standing Committee shall consist of up to twenty-one (21) voting members appointed pursuant to subsection (1) below and a liaison from the Select Board who is the Secretary and non-voting member.

A quorum shall consist of a majority of the current voting Standing Committee Members, and all actions shall be made pursuant to a majority vote of members in attendance. The Committee shall organize for the conduct of its affairs and shall elect its own officers.

1. Standing Committee Membership

- a.** Two (2) Standing Committee members shall be selected from among the respective residents of each of the Town's twenty-one (21) precincts
 - i.** One (1) Standing Committee member from each precinct shall range in age from twelve (12) years through twenty (20) years (21 years minus 1 day). That Standing Committee member shall be recognized as the "Youth Member" for that precinct.
 - ii.** One (1) Standing Committee member from each precinct shall range in age from twenty-one (21) years through thirty-nine (39) years (40 years minus 1 day). That Standing Committee member shall be recognized as the "Young Adult Member" for that precinct.
- b.** The first selection of representatives from each precinct shall be conducted by lottery from all names submitted directly to the Select Board office by any youth or young adult from their respective precinct or by any Town Meeting Member on their behalf.
- c.** Terms shall be for two (2) years.
- d.** Within eighteen (18) months of the first meeting of the Standing Committee, a presentation will be made to the Select Board seeking its approval for the process determined by the Standing Committee for selecting its subsequent cohort of members.
- e.** For one (1) year of a Standing Committee member's term that member will be designated as the alternate, and that member shall vote in the Standing Committee meeting only when the other Standing Committee from the same precinct is absent.
- f.** Voting members of the Standing Committee
 - i.** In odd-numbered years, the voting members for Standing Committee shall include the "Youth" representatives from precincts 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and the "Young Adult" representatives from precincts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20.
 - ii.** In even-numbered years, the voting members for Standing Committee shall include the "Youth" representatives from precincts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20 and the "Young

Adult” representatives from precincts 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21.

- g** Only the voting members are required to attend Standing Committee meetings.
 - h** The Select Board liaison, which need not be a member of the Select Board, shall be chosen by the Select Board by September 1 after the passage of this Bylaw.
 - i** If Town Meeting Members of a given precinct fail to present candidates by September 1 after the passage of this Bylaw, the Secretary shall work with the Select Board staff to fill the vacancies with a residents from the respective precinct(s).
 - j** If no representative from a precinct attends a Standing Committee for six (6) months, the Secretary shall notify the Town Meeting Members from the respective precinct and being the process of replacing the absent representatives with two (2) other representatives for either the rest of the term, if over one (1) year, or for two (2) years plus the remainder of the term, if under one (1) year,
- 2.** Standing Committee Quorum A quorum requires eleven (11) representatives from eleven (11) of the twenty-one (21) precincts. Only one (1) representative from each precinct may participate in the meeting as a voting member of the Standing Committee. Both representatives may attend any Standing Committee meeting, and both may speak when called upon by the Chair.
- 3.** Voting at a Standing Committee meeting, each precinct shall have only one vote that is cast by the either representative of that precinct as set forth in Section 1(e) & (f) above.
- 4.** Chair and Vice Chair
 - a** Upon convening the first meeting and on the anniversary of that meeting, thereafter, the first order of business shall be the selection of two (2) Co-Chairs.
 - b** One (1) chair shall be a Youth representative, and one (1) chair shall be a Young Adult representative.
 - c** The term for each Co-Chair shall be one (1) year.

5. Required Meetings For the first two (2) years, the Standing Committee shall meet at least six (6) times per year at the dates of its choosing.
6. Open Meeting Law Standing Committee Meetings shall comply with Massachusetts' Open Meeting Law.

Section 3. Task Groups

- A. The Standing Committee may authorize the creation of Task Groups on any subject at any time of its choosing.
- B. Tasks Groups-participants shall range in age between 12-39.
- C. Groups-participants may or may not be members of the Standing Committee and may or may not be Youth or Young Adult representatives from the precincts.
- D. One (1) Youth and one (1) Young Adult member of the Standing Committee shall function as Co-Chairs for the first three (3) meetings of a Task Group, and they shall administer the election of the first Chair or Co-Chairs of Task Group at the Task Group's fourth meeting.
- E. Eligibility of participants to vote on administrative and procedural matters shall require a minimum attendance at three (3) meetings within the previous twelve (12) months or since the inception of the task group (whichever is shorter).
- F. Task Groups function as forums for the exchange of ideas with no requirement of membership, quorums or authority to make reports or recommendations.

Nonetheless, Task Groups shall:

1. Post announcements of their meeting at least two (2) business days before the meeting;
 2. Keep minutes of their meetings for presentation to the Standing Committee.
- G. Votes on non-administrative or non-procedural matters by a Task Group shall require review by the Standing Committee or an Ad Hoc Committee of the Standing Committee. Examples of such votes include endorsements of warrants articles, and letters presented by other parties.
 - H. At least annually, following the election of its Co-Chairs, one or both Co- Chairs shall submit a report that includes the minutes and anything else of note to the Standing Committee.

- I. If a Task Group does not meet for twelve (12) consecutive months and does not submit a report to the Standing Committee, it shall be considered inactive and defunct.

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ARTICLE 8 BYLAW AMENDMENT/CIVILIAN POLICE ADVISORY COMMISSION

VOTED: YES – 214, NO – 18

That Title II of the Town Bylaws ("Committees and Commissions") be and hereby is amended by inserting a new article to provide for the creation of the Arlington Civilian Police Advisory Commission under Article 16 as follows:

Article 16: Arlington Civilian Police Advisory Commission

Section 1. Arlington Civilian Police Advisory Commission Established

There is hereby established an Arlington Civilian Police Advisory Commission, charged with serving as a civilian resource and forum for Arlington residents and visitors and members of the public, the Arlington Police Department, and other appropriate Town personnel.

Section 2. Purpose

The purpose of the Arlington Civilian Police Advisory Commission is to provide an opportunity for increased understanding and trust between the community and the Arlington Police Department, assist members of the public as a resource in the event they have complaints, concerns, or commendations about policing in Arlington or specific police personnel, and to provide the Arlington Police Department and Town management with a public forum for feedback about police personnel, policies, procedures and data.

Section 3. Commission Composition, Eligibility, Qualification & Terms

A. Appointment of the Commission

The Commission shall consist of nine (9) members, appointed by the Town Manager. To be considered for appointment members shall be nominated by the following public bodies, persons, or community entities:

1. One (1) member nominated by the Arlington Human Rights Commission;
2. One (1) member nominated by the LGBTQIA+ Rainbow Commission;
3. One (1) member nominated by the Disability Commission;

4. One (1) member nominated by the Board of Youth Services;
5. One (1) member nominated by the Envision Arlington Diversity Task Group co-chairs with the approval of the Envision Arlington Standing Committee;
6. One (1) member nominated by the Council on Aging;
7. One (1) member nominated by the Menotomy Manor Tenants Association;
and
8. Two (2) members nominated by the Select Board

Nominating authorities are not required to nominate a member of their own body. The Manager shall notify the above “nominating bodies” of vacancies and expiring terms. If any nominating body fails to act upon a notification from the Manager within ninety (90) days or in the event a nominating body is inactive, the Manager may request the Select Board to make a nomination in their place.

B. Eligibility to Serve

1. All members of the Commission shall be Arlington Residents and as a total body, shall reflect racial, ethnic, gender, sexual, age, and other forms of diversity in Arlington. Additionally, the Town Manager shall appoint at least one member respectively with experience in one or more of the following areas:
 - a. Criminal defense or civil rights relative to police searches, arrests, or detainments;
 - b. Data Analysis; and
 - c. Working with underserved communities such as, but not limited to social workers, mental health counselors, or civil forms of legal aid.
2. The following persons are not eligible to serve on the Commission:
 - a. Current compensated employees of the Town, including Arlington Police Department police officers and employees;
 - b. Current or former municipal police officers (defined herein as “peace officers” employed by a municipal police department subject to certification under Massachusetts Law, including “An Act Relative to Justice, Equity and Accountability in Law Enforcement);” and
 - c. Immediate family members of current or former Arlington Police Department employees.

C. Qualifications for Service

1. In addition to all other requirements for appointment on the Commission under the general laws of the Commonwealth, members must receive initial and continuing training in the following subjects:

- a. Arlington Police Department complaint and discipline procedures;
 - b. Arlington Police Department policy and operations;
 - c. Relevant State Laws regarding law enforcement accountability including “An Act Relative to Justice, Equity and Accountability in Law Enforcement;”
 - d. Filing civilian complaints and commendations about police conduct with the Commonwealth of Massachusetts and the Arlington Police Department;
 - e. Data handling and privacy;
 - f. Analysis of policing data;
 - g. Equity, cultural humility, implicit bias, and the significance of language access; and
 - h. Other topics the Commission deems relevant.
2. Commission members, as deemed appropriate by the Commission may also be required to participate in the Citizen Police Academy when offered, and participate in Arlington Police Department ride-along opportunities at intervals established by the Commission.
 3. The Commission shall affix a reasonable period of time for appointed members to complete initial and follow-up training. Failure to meet training requirements within such period shall be grounds for removal.
 4. The original Commission appointees shall be deemed qualified upon completion of requirements for all committees and commissions under the laws of the Commonwealth, and be afforded a reasonable time period to establish and complete training requirements for the Commission consistent with the foregoing.

D. Initial & Subsequent Terms

Member terms shall be for three (3) years, except that initial appointment terms of members shall be staggered such that three (3) initial appointees shall serve a one (1) year term; three (3) a two (2) year term; and three (3) a three (3) year term as designated by the Town Manager. Members shall serve until their successors have completed training and been sworn in to service.

E. Removal of Members

At the request of the Manager, members may be removed for cause by a vote of the nominating body.

Section 4. Administration and Operation

The Arlington Civilian Police Advisory Commission shall not meet or conduct business without the presence of a quorum, which shall require a majority of the members of the Commission at any given time. The Commission shall approve its actions by majority vote of the quorum, but in no event shall action be approved by fewer than 4 members.

Section 5. Duties and Responsibilities

A. General Duty

It shall be the duty of the Arlington Civilian Police Advisory Commission to serve as qualified advisors to the general public, the Arlington Police Department, and other Town staff with respect to policing in Arlington from a civilian perspective. The Commission shall serve as a technical resource for persons wishing to file specific complaints against or commendations of Arlington Police Department personnel, a forum for both positive and negative feedback about police conduct and policy in Arlington, and collaboratively engage the Arlington Police Department in its development or revision of police policies.

B. Specific Responsibilities

To fulfill its duties, the Commission shall specifically be charged with:

- 1.** Establishing a process for community members to provide information about police interactions, both positive and negative, to the commission anonymously and non-anonymously;
- 2.** Guiding community members through the civilian complaint or commendation process, including:
 - a.** Providing education to a community member about options for filing complaints and commendations about police conduct;
 - b.** Providing complaint and commendation forms to a community member;
 - c.** Connecting a community member with appropriate town officials and committees;
 - d.** Accompanying a community member to meetings
 - e.** Following up with both the APD and the community member on any resultant investigation;
 - f.** Providing periodic updates to a community member;
 - g.** Collecting information about a community member's satisfaction with complaint processes'

- h.** However, at no point in time shall Commission members individually or as a public body provide legal advice or representation, mental health counseling, or social services advocacy to community members engaging commission members for the purpose of filing complaints;
- 3.** Working with the Arlington Police Department to regularly publish and analyze data which can offer insight into the quality and effectiveness of the department, especially in its interactions with the public, including but not limited to:
 - a.** Complaints, including their nature, status and disposition;
 - b.** Police use of force incidents, including all use of firearms;
 - c.** Vehicle pursuits and traffic collisions;
 - d.** Injuries and deaths in custody;
 - e.** Stops, searches, citations and arrests, including demographic data;
 - f.** Civil lawsuits and other claims brought against the town or department
 - g.** Database of training; and
 - h.** Database of awards and commendations;
- 4.** Regularly reviewing Arlington Police Department complaint, investigation, and discipline policies and procedures, comparing them with the latest practices in other communities locally and nationally;
- 5.** Regularly reviewing other Arlington Police Department policies and procedures, especially new or changing policies, and make recommendations to the Chief of Police, Town Manager, and the public;
- 6.** Regularly reviewing the by-law creating this commission and make recommendations to Town Meeting;
- 7.** Providing a yearly report to Town Meeting covering the work and findings of the commission as well as priorities for the upcoming year; and
- 8.** Providing education to the public about policing and the Arlington Police Department, their options for filing complaints and commendations, the complaint process and the various data they are charged with analyzing.

Section 6. Effective Date

Following Town Meeting approval of this bylaw, this Title shall take effect upon the approval by the Attorney General of the Commonwealth and compliance with bylaw advertising and notice requirements.

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ARTICLE 10 BYLAW AMENDMENT/TREE PRESERVATION AND PROTECTION

VOTED: YES – 222, NO – 2

That Title V, Article 16, Sections 2 and 4 be and hereby are amended as follows:

ARTICLE 16 TREE PROTECTION AND PRESERVATION

A. The following definitions shall apply to this By-law:

“Demolition” - Any act of, or commencing the work of, destroying, pulling down, removing or razing a building ~~or commencing the work of total or substantial destruction of a building; or removing the roof structure, or removing two exterior walls, of a building.~~

“Protected Tree” - Any existing healthy tree on private land with a DBH of ~~eight (8)~~ six (6) inches or greater located in the setback area, which does not pose an immediate hazard to persons or property or is not under imminent threat of disease or insect infestation.

“Tree Plan” - A site plan drawn and stamped by a certified land surveyor or engineer, and stamped by a certified arborist or landscape architect, showing all Protected Trees ~~in the setback areas as defined herein and~~ public shade trees near the property, and indicating, on the site plan or in a separate document, which Protected Trees will be retained, which will be removed, and, how critical root zones of each Protected Tree and public shade tree will be protected from damage during site work.

B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability and shall be mitigated pursuant to paragraph 4.C. If no Tree Plan is required, the owner shall sign an affidavit on the Building Permit Application that no Tree Plan needs to be filed per the Tree Bylaw.

**A true copy of the vote under
Article 10 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2022.**

OFFICE OF THE TOWN CLERK

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ARTICLE 12 BYLAW AMENDMENT/ SINGLE USE PLASTIC WATER BOTTLES

VOTED: YES – 199, NO – 42

That Title VIII of the Town Bylaws (“Public Health and Safety”) be and hereby is amended to add a new Article 11, “Single Use Plastic Water Bottle Regulation” as set forth below:

ARTICLE 11 SINGLE USE PLASTIC WATER BOTTLE REGULATION

SECTION 1. Purpose and Intent

The Town of Arlington (“Town”) recognizes that the use and disposal of single use plastic water bottles have significant negative impacts on the marine and land environment, and to public health, including but not limited to:

1. Contributing to the plastic pollution of the land environment, waterways and oceans;
2. Contributing to the harm and premature death of marine animals through ingestion of microplastics;
3. Posing a health risk to humans, including through ingestion of hormone disruptors such as phthalates that leach into plastic water bottles, inhalation of toxic emissions from burning plastic bottles in incinerators, and ingestion of microplastics in the food chain;
4. Exacerbating climate change through the use of millions of gallons of oil every year for the manufacture of single use water bottles in the U.S.

The purpose of this bylaw is to protect the environment and public health through reducing solid waste and unnecessary strains on recycling resources, minimizing litter, reducing the Town’s carbon footprint and climate change impacts, preserving local waterways, and protecting the health of Arlington residents and visitors by reducing the sale and disposal of single use plastic water bottles.

SECTION 2. Definitions

- A. “Single use plastic water bottle”: Any single serving container, whether sold individually or in bulk, containing non-carbonated, unflavored drinking water with a volume of one liter or less, that is made in whole or in part of plastic material, excluding the cap, with any designated resin codes 1 through 6.

- B.** “Department”: The Arlington Department of Health and Human Services.
- C.** “Director”: The Director of the Arlington Department of Health and Human Services.
- D.** “Retail Establishment”: Any commercial enterprise, whether for or not for profit, including but not limited to the following: restaurants, pharmacies, convenience stores, grocery stores, gas stations, liquor stores, seasonal and temporary businesses, retail stores, and any other businesses that sell single use plastic water bottles to the public.

SECTION 3. Regulation of Single Use Plastic Water Bottles

- A.** No retail establishment, as defined in Section 2, shall sell any single use plastic water bottle, as defined in Section 2. The sale of single use plastic water bottles is unlawful and any such sale is subject to the enforcement and penalties set forth in Section 4 of this Article.
- B.** No person shall sell single use plastic water bottles, as defined in Section 2, in any Town owned building.

SECTION 4. Enforcement and Penalties

- A.** Each retail establishment, as defined in Section 2, located in the Town, and every person using a Town owned building, shall comply with this bylaw.
 - 1.** If it is determined that a violation has occurred, the Director or their designee shall first issue a warning notice to the retail establishment for a first time violation.
 - 2.** If, after 14 days from receipt of the warning notice, the retail establishment continues to violate this bylaw or commits a second violation, the Director or their designee shall issue a notice of violation and shall impose a penalty against the retail establishment.
 - 3.** The penalty for each violation that occurs after the issuance of the warning notice shall be: no more than:
 - (i)** \$100 for the first offense;
 - (ii)** \$150 for the second offense;
 - (iii)** \$200 for the third and all subsequent offenses.
 - 4.** Retail establishments shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Director.
- B.** The Director may promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.

SECTION 5. Exemptions for Emergencies

Sales occurring subsequent to a declaration of an emergency adversely affecting the availability or quality of drinking water to Town residents by the Town's Emergency Management Director or other duly authorized Town, Commonwealth of Massachusetts, or United States official shall be exempt from the bylaw until seven days after such declaration has expired.

SECTION 6. Effective Date

The provisions of this bylaw shall take effect on November 1, 2022.

SECTION 7. Severability

The provisions of this bylaw are severable. If any of provision or section is held to be invalid by the Attorney General, a court of competent jurisdiction or other reviewing authority, all other provisions and sections shall continue in full force and effect.

**A true copy of the vote under
Article 12 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 4, 2022.**

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ARTICLE 15 BYLAW AMENDMENT/NOISE ABATEMENT

VOTED: YES – 216, NO – 15

That Title V Article 12 (“Noise Abatement”) Section 3 (“Daytime-Only Activities”), Subsection (A)(3)(a) (“Authorized Exemptions for Public and Private Way Projects”) be and hereby is amended to provide for a notice provision for application of exemptions for certain roadway and utility projects, to read as follows:

3. Authorized Exemptions for Public and Private Way Projects

a. Following transmission of an “abutter notice” as set forth herein Arlington Department of Public Works, public utilities, and/or their contractors may perform non-emergency work in and/or on public and private ways within the Town of Arlington outside of the operating hours set forth in this Section with the permission of the Town Manager.

i. “Abutter notice,” shall be required for non-emergency public works or utility projects in or on public or private ways outside of allowed day-time hours under this bylaw, and may be satisfied by a mail, hand, or electronic delivery of a notice setting forth the date, time, and expected nature of work being permitted by the Town Manager under this section to each residential unit within 500 feet of anticipated work, two (2) business days in advance of such work commencing.

**A true copy of the vote under
Article 15 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 4, 2022.**

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ARTICLE 16 BYLAW AMENDMENT/ NOISE REGULATION FOR GAS POWERED LEAF BLOWERS

VOTED: YES – 187, NO – 44

That Title V, Article 12 of the Town Bylaws (“Regulations Upon the Use of Private Property”), “Noise Abatement” Section 3(D) “Use of Leaf Blowers Powered By Internal Combustion Engines” is hereby amended as set forth below:

ARTICLE 12 NOISE ABATEMENT

...

Section 3. Daytime-Only Activities

...

D. Use of Leaf Blowers Powered By Internal Combustion Engines and Transition to Electric Powered Leaf Blowers

1. ~~For purposes of Paragraphs 1-5 of this subsection, the term, “leaf blowers” shall mean “gas-powered leaf blowers used for commercial or municipal purposes.”~~ For purposes of this subsection, the following terms shall be defined as follows:
 - (a) “Leaf blower”- Any powered machine used to blow leaves, dirt and other matter by forced air for landscape maintenance.
 - (b) “Gas powered leaf blower” – A leaf blower powered by gas or gas and oil.
 - (c) “Electric leaf blower” – A leaf blower powered by attaching a cord to an electricity source or rechargeable batteries.
 - (d) “Commercial landscaper” – A person or entity that receives compensation to utilize landscaping equipment on another’s property.
 - (e) “Resident” – The legal owner of record of real property, as listed by the tax assessor’s records, operating on their own property; tenants operating on the property for which they hold a lease; and condominium associations operating on condominium property.

(f) “The Town” – Town of Arlington municipal employees, operating on municipal property.

2. The use of gas powered leaf blowers is prohibited between ~~June 15th~~ May 31st and September 15th except in accordance with the ~~following restrictions, transition and phase out schedule as set forth below, which shall not apply to the use of leaf blowers to perform emergency operations or for clean-up associated with storms, hurricanes and the like:~~

(a) Commercial and Municipal Users Transition Period May 31, 2022 – March 15, 2025

During the transition period, gas powered leaf blowers may be operated by commercial landscape companies and the Town only between the calendar dates of March 15th – May 31st and September 15th – December 30th, during the following times:

- (i) Monday-Friday, 7:30 am – 5:30 pm;
- (ii) Use is prohibited on Saturdays, Sundays and Legal Holidays.

Electric powered leaf blowers may be operated by commercial landscape companies and the Town during the following times:

- (i) The full calendar year;
- (ii) Monday-Friday, 7:30 am – 5:30 pm;
- (iii) Use is prohibited on Saturdays, Sundays and Legal Holidays

(b) Commercial and Municipal Users Phase Out

As of March 15, 2025, all use of all gas powered leaf blowers by commercial landscape companies and the Town shall be prohibited, but for the following exemptions:

- (i) The Town may use wheeled leaf blowers powered by four- stroke engines for the purposes of clearing the Minuteman Bikeway and other municipal property of an acre or more;
- (ii) The Town may use gas powered leaf blowers under emergency conditions.

(c) Resident Users Transition Period May 31, 2022 – March 15, 2026

During the transition period, gas powered leaf blowers may be operated by residents while on their own property only between the calendar dates of March 15th – May 31st and September 15th – December 30th, during the following times:

- (i) Mondays through Fridays, 7:30 am – 6 pm;
- (ii) Saturdays, Sundays and Legal Holidays, 8 am – 4 pm.

Electric powered leaf blowers may be operated by residents while on their own property during the following times:

- (i) The full calendar year;
- (ii) Monday – Friday, 7:30 am – 6 pm;
- (iii) Saturdays, Sundays and legal holidays, 8 am – 4 pm.

(d) Resident Users Phase Out

As of March, 15, 2026, all use of all gas powered leaf blowers by residents shall be prohibited.

~~(a) The use of leaf blowers is prohibited on:~~

~~(i) Sundays and legal holidays;~~

~~(ii) Mondays through Fridays except between the hours of 7:30 a.m. and 5:30 p.m.; and~~

~~(iii) Saturdays except between the hours of 8:00 a.m. and 4:00 p.m.~~

~~(b)~~ (e) No more than one leaf blower may be used on any lot of 6,000 square feet or smaller. One additional leaf blower may be used for each additional 6,000 square feet or portion thereof comprising one lot.

~~(c)~~ (f) Gas powered ~~L~~leaf blowers may be used for no more than 30 minutes at a time with shut down time of 15 minutes in between operation.

(g) Post-Transition Electric Leaf Blower Regulation

Following the transition periods set forth in 2(a) and 2(d) of this section, electric powered leaf blowers may be operated by all users at the following times during the full calendar year:

(i) Monday – Friday, 7:30 am – 6 pm;

(ii) Saturdays, Sundays and legal holidays, 8 am – 4 pm.

3. At no time shall any leaf blower be used in such a way as to permit the distribution of leaves, dust, or other debris beyond the vertically extended lines of the property on which the leaf blower is being used.

4. Leaf blowers shall at all times be operated at the lowest possible practical speed necessary to accomplish the task for which they are being used.

5. As of June 15, 2014, or one year after the effective date of this Bylaw, whichever is later, no commercial landscaper, commercial landscape company, or other entity engaged in the business of providing home and yard repair, clean-up, and maintenance services for a fee shall use any leaf blower within the Town in the exercise of that business unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 74 dB(A) at 50 feet at full throttle.

(ART. 2, STM – 4/24/13)

6. ~~The restrictions set forth herein shall not apply to homeowners and residents using leaf blowers to perform private home and yard repair, clean up, and maintenance on residential property they own or control. Such residential use of leaf blowers of any kind shall be subject to Section 3(A) of this Bylaw (“Daytime Only Activities”).”~~

6. Enforcement

- (a) This bylaw shall be enforced by the Board of Health;
- (b) Violations of this bylaw shall be subject to the following penalties:
 - (i) For the first violation in a calendar year, a written warning shall be issued and education on the bylaw will be provided to resident and commercial landscaper, if applicable;
 - (ii) For the second violation, a fine of \$100 shall be given to both the resident and commercial landscaper, if applicable;
 - (iii) For each subsequent violation in a calendar year, a fine of \$200 shall be given to the resident and commercial landscaper, if applicable;
- (c) Reporting of Violations – Violations may be reported by any person who observes a gas powered leaf blower in use in the Town, in violation of this bylaw, with appropriate evidence to support the claim. Witnesses to violations of this bylaw may submit a complaint to the Board of Health that must include:
 - (i) The name of the commercial landscaper or resident alleged to have violated this bylaw;
 - (ii) The location of the alleged violation;
 - (iii) The date and time of the alleged violation;
 - (iv) Any additional identifying information regarding the use of the gas powered leaf blower.

All complaints must be submitted within seven days of the alleged violation. All complaints must be signed by the complainant before an investigation can be initiated. Photographic and recorded evidence in support of the complaint is permitted, but not required.

**A true copy of the vote under
Article 16 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 9, 2022.**